

REMARKS

Applicants have studied the Office Action dated April 10, 2003 and have made amendments to the claims. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-36 are pending. Claims 1, 5-12, 17-25, 28-33 have been amended and new claims 34-36 have been added. Reconsideration and further examination of the pending claims in view of the above amendments and the following remarks is respectfully requested. In the Office Action, the Examiner:

Rejected claims 1-8, 12-18, 23-30 under 35 U.S.C. § 102(e) as being anticipated by *Cannon et al* (Cannon) (U. S. Patent No. 5,974,447).

Rejected claims 9-11, 20-22 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over *Cannon et al* (Cannon) (U. S. Patent No. 5,974,447).

The Applicants respectfully submitted that the Examiner's objection and rejections have been overcome based on the aforementioned amendments to the claims and the following remarks.

Overview of the Present Invention

The presently claimed invention is directed to a method and system for an information handling system that delivers content from at least one channel to a remotely located subscriber unit. The system includes a content database for storing content, a receiver for receiving information relating to a subscriber personal profile comprising subscriber content preferences, a text-to-audio converter coupled to the database for converting textual content to audio content, a content controller for selecting content from the content database according to the content preferences, a modulator coupled to the text-to-audio converter for modulating audio content to provide audio-modulated signals, and a transmitter coupled to the database for

transmitting the content to a remote subscriber unit via a wireless link. Content is organized within the database into at least one channel and the content controller selects content from the at least one channel according to subscriber content preferences.

Claim Amendments

The Applicants have amended independent claims 1, 12 and 23 to more clearly describe that content that is produced by the database is organized into channels by these aspects of the present invention. Independent claim 1 has been amended to clarify that content stored in the database is organized into at least one channel and that the subscriber content preferences comprise preferences for at least one preferred channel within the at least one channel. Independent claim 1 has also been amended to more clearly describe that the content controller selects content from the at least one preferred channel according to the content preference and that the content from the at least one preferred channel is mixed according to the subscriber personal profile. Independent claim 1 has been further amended to remove the limitation of a text-to-audio converter coupled to the database for converting textual content to audio content.

Independent claims 12 and 23 have been amended to more clearly describe that the fetched content is organized into at least one channel and that the content from the at least one channel is mixed into a stream of data, which is transmitted for receipt by a user unit.

Dependent claims 9, 20 and 31 have been amended to more clearly describe that content from at least one preferred channel is combined for delivery, in order to better conform to the wording of the claims from which they depend. Dependent claims 10-11, 21-22 and 32-33 have been amended to depend from dependent claims 9, 20 and 31, respectively, and to better conform to the wording of the claims from which they depend. Dependent claims 5-8, 17-19, 24-25, and 28-30 have been amended to better

conform to the wording of the claims from which they depend.

Support for these amendments is found in the specification at, for example, page 5, line 23 to page 6, line 26. No new matter was added.

New claim 34 has been added which depends from claim 1 and adds the limitation of a client radio system comprising a text-to-audio converter for converting textual content to audio content. Support for this amendment is found in the specification at, for example, page 5, lines 10-13. No new matter was added.

New claims 35 and 36 have been added to claim that a subset of the information from the multiple channels of information is sent to one of a plurality of speakers. Support for this amendment is found in the specification at, for example, page 6, lines 21-23. No new matter was added.

Rejection under 35 U.S.C. §102(e) as being anticipated by Cannon

As noted above, the Examiner rejected claims 1-8, 12-19 and 23-30 under 35 U.S.C. § 102(e) as being anticipated by Cannon. The Examiner cites 35 U.S.C. § 102(e) and a proper rejection requires that a single reference teach (i.e., identically describe) each and every element of the rejected claims as being anticipated by Cannon.¹

Cannon Does Not Teach the Claimed Elements of the Present Invention

To begin, Cannon is directed to coupling a selective call receiver to widely distributed information sources. Cannon teaches selecting and formatting information

¹ See MPEP §2131 "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (Emphasis Added) *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim."

from different sources based upon various considerations, including a user profile (Cannon, Column 2, lines 51-67, Column 3, lines 1-12). Cannon further teaches specifying criteria by which to search for information that is sent to the user. (Cannon, Column 3, lines 13-14).

In contrast, Cannon does not teach, anticipate or suggest the claimed aspects of the present invention, which include organizing content into channels, having subscriber content preferences that comprise preferences for at least one preferred channel within the channels into which the content is organized, as is recited for the presently claimed invention. The channels used by an exemplary embodiment of the present invention includes stock channels and music channels (Specification, page 6, lines 2-3 and 20-22). This advantageously provides the user with "pre-selected" information categories to which further subscriber content preferences can be applied.

Newly added dependent claim 34 depends from claim 1 and adds the limitation of a client radio system comprising a text-to-audio converter for converting textual content to audio content. The addition of a client radio system that comprises a text-to-audio converter advantageously allows text data to be transmitted to the client radio system. Transmission of text to the client radio system in this aspect of the present invention results in the transmission of less data that is required to transmit the voice data directly, as is taught by the Cannon reference.

For the foregoing reasons, amended independent claims 1, 12 and 23 distinguish over the cited references. Claims 2-8 and 34-35, 13-19, 36 and 24-30 depend from claims 1, 12 and 23, respectively, and include all of the limitations thereof. Therefore claims 2-8 and 34-35, 13-19, 36 and 24-30 also distinguish over cited references for at least the above reasons as well. Therefore, the Applicants respectfully assert that the rejection of these claims under 35 U.S.C. §102(e) should be withdrawn.

Rejection under 35 U.S.C. §103(a) as Unpatentable over Cannon

As noted above, the Examiner rejected claims 9-11, 20-22 and 31-33 under 35 U.S.C. § 103(a) as being unpatentable over Cannon. The Examiner recites 35 U.S.C. §103. The Statute expressly requires that obviousness or non-obviousness be determined for the claimed subject matter "as a whole," and the key to proper determination of the differences between the prior art and the present invention is giving full recognition to the invention "as a whole." As discussed above, the Cannon reference does not teach the advantageous aspect of the present invention including that of retrieving or organizing data into channels, from which the user is able to select to receive data either directly or by the specification of further subscriber content preferences. This is a limitation of the claims from which claims 9-11, 20-22 and 31-33 depend, and are therefore contained within these dependent claims.

As noted by the Examiner, Cannon does teach that information can be delivered in a configurable order. However, Cannon does not teach or suggest the user configurable mixing or combining of information or content as is claimed for aspects of the present invention by dependent claims 9, 20 and 31. There is no teaching or suggestion in the cited reference of simultaneous delivery of information as is claimed by the present invention. When there is no suggestion or teaching in the prior art user configurable mixing or combining of information or content, the suggestion can not come from the Applicant's own specification. As the Federal Circuit has repeatedly warned against using the Applicant's disclosure as a blueprint to reconstruct the claimed invention out of isolated teachings of the prior art. See MPEP §2143 and *Grain Processing Corp. v. American Maize-Products*, 840 F.2d 902, 907, 5 USPQ2d 1788 1792 (Fed. Cir. 1988) and *In re Fitch*, 972 F.2d 160, 12 USPQ2d 1780, 1783-84 (Fed. Cri. 1992).

Claims 10, 21 and 32 claim an aspect of the present invention whereby mixing of content is performed by interrupting a default channel with specified information. Claims 11, 22 and 33 claim an aspect of the present invention whereby mixing of

content is performed by simultaneously playing multiple channels of information. This is a valuable advantage of the presently claimed invention that is not found, taught, or suggested by any of the cited prior art. See the originally filed specification on page 6, particularly on lines 16-19 and 23-26, for a more detailed discussion of the advantages of these presently claimed aspects. These aspects of the present invention are not taught, suggested or made obvious by the cited references, since mixing of information that is organized in channels for delivery and presentation to a user is not discussed in the cited references.

For the foregoing reasons, amended dependent claims 9-11, 20-22 and 31-33 distinguish over the cited references. Therefore, the rejection of these claims under 35 U.S.C. §103(a) should also be withdrawn.

Claims 35 and 36 have been added by this amendment. Claims 35 and 36 depend from claims 11 and 22, respectively and include all of the limitations thereof. Claims 35 and 36 are therefore allowable for at least the reasons set forth above with respect to claims 11 and 22.

Conclusion

If for any reason the Examiner finds the application other than in condition for allowance, or the Examiner believes that there are any informalities which can be corrected by Examiner's amendment, a telephone call to the undersigned at (561) 989-9811 is respectfully solicited.

After this Amendment, the present application comprises thirty-six (36) claims, including three (3) independent claims. Applicants have previously paid for twenty-one (33) claims including three (3) independent claims. Applicants, therefore, believe that an additional fee of \$54 for claims is currently due.

The Commissioner is hereby authorized to charge any fees that may be required or credit any overpayment to Deposit Account 09-0441.

In view of the foregoing, it is respectfully submitted that all of the grounds for rejection stated in the Examiner's office action have been overcome, and that the application and claims are in condition for allowance. Reexamination and reconsideration of the application, as amended, is requested.

Respectfully submitted,

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14 of 14

S/N 09/502,923